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October 14, 2021

BY FEDERAL EXPRESS AND ECF

Honorable James L. Garrity, Jr.
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004

Re: Piazza v. Oldner, et al., Adv. Pro. No. 21-01180 (JLG)
In re Orly Genger, Chapter 7 Case No. 19-13895 (JLG)

Dear Judge Garrity:

On September 30, 2021, Your Honor held a telephonic conference, whereby the Trustee consented to an extension of the response deadline to the complaint in the above-referenced adversary proceeding to October 22, 2021. In the interim, counsel to Mr. Oldner committed to sending the Trustee a proposed stipulation which purported to define the scope of the Releases that are at issue in this adversary proceeding. I agreed that we would review any proposed stipulation and provide comments thereto. Your Honor requested a short letter from me by October 14, 2021 advising whether the parties were able to come to agreement on the terms of a stipulation to address the issues discussed at the telephonic conference.

Unfortunately, we did not see a form of the stipulation from Mr. Oldner's counsel until only two days ago, October 12, 2021. As I have been occupied with numerous cases, as well as with deadlines in this case, including the objection to Dalia's reconsideration motion in the constructive trust action due yesterday, I did not have a chance to turn to the stipulation until today. Nonetheless, we have quickly considered the form of stipulation sent to us and I delivered a blackline to counsel to the various defendants earlier today. A form of the blacklined stipulation is annexed hereto. I now await a response from counsel to Defendants on the form of stipulation. To the extent it is acceptable or a resolution on alternative language is reached by early next week, I will inform the Court accordingly. Otherwise, absent a resolution, the Trustee does not consent to any further extensions of the October 22, 2021 response deadline.

Honorable James L. Garrity

October 14, 2021

Page 2 of 2

By way of further update to the Court, on September 24, 2021, John Dellaportas, Esq delivered to me and my firm's general counsel a Rule 11 motion directed to the Trustee and my firm in connection with the Complaint and my correspondence to the Court on September 15, 2021 and September 22, 2021 filed in this adversary proceeding. We are in the process of preparing a response before tomorrow's 21 day safe harbor deadline. While we are hopeful that Mr. Dellaportas will withdraw his inappropriate threat of sanctions after seeing our response, to the extent he indeed files a frivolous motion, adding further costs to the estate, we will most certainly respond with a cross-motion for sanctions in response thereto.

Please do not hesitate to contact me should Your Honor have any questions.

Respectfully submitted,

/s/Rocco A. Cavaliere

Rocco A. Cavaliere

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re ORLY GENDER,
Debtor.

Chapter 7

Case No. 19-13895 (JLG)

DEBORAH J. PIAZZA, as Successor
CHAPTER 7 TRUSTEE, of the Bankruptcy
Estate of Orly Genger,

Plaintiff,

v.

Adv. Pro. No. 21-01180 (JLG)

MICHAEL OLDNER, THE ORLY GENDER
1993 TRUST, RECOVERY EFFORT INC.,
SAGI GENDER, THE SAGI GENDER 1993
TRUST, DALIA GENDER, ELANA
GENGER, DAVID PARNES, D&K GP LLC,
TPR INVESTMENT ASSOCIATES, INC.,
MANHATTAN SAFETY MAINE, INC. and
JOHN AND JANE DOES 1-100,

Defendants.

STIPULATION

WHEREAS, on August 15, 2019, the Orly Genger 1993 Trust (the “Orly Trust”), by its purported Trustee Michael Oldner, executed four Releases dated August 15, 2019 (collectively, the “Releases”) in favor of various parties including, inter alia, Dalia Genger, Sagi Genger, Elana Genger, David Parnes, The Sagi Genger 1993 Trust, D&K GP LLC, and TPR Investment Associates, Inc., which Releases are the subject of this Adversary Proceeding;

WHEREAS, by Complaint dated August 14, 2021 filed in the above-named adversary proceeding (the “Complaint”), Deborah Piazza, the Chapter 7 Trustee (“Piazza”),

commenced this action, asserting, among other things, that the Releases are voidable post-petition transfers under section 549 of the Bankruptcy Code and violations of the automatic stay under section 362(a) of the Bankruptcy Code;

WHEREAS, Orly Genger is a beneficiary of the Orly Trust;

NOW, THEREFORE, it is stipulated and agreed by the parties hereto as follows:

The Releases did not release (i) any claims that Orly has, individually and/or as beneficiary of the Orly Trust, against any party, including but not limited to claims that have not yet been filed, the claims pending in this action, and the claims pending in the actions captioned Orly Genger v. Dalia Genger, et al., (N.Y. Sup. Ct. N.Y. Cnty, Case No. 109749,2009 and N.Y. App. Div. 1st Dept. Appeal No. 2020-1940) and In the Matter of Application of Orly Genger to remove Dalia Genger as Trustee of the Orly Genger 1993 Trust, etc., Adv. Pro. No. 20-01187 (removed from N.Y. County Surrogate's Court, Case No. 2008-0017) or (ii) any damages arising from the foregoing claims. Dated:

October [REDACTED], 2021
New York, NY

TARTER KRINSKY & DROGIN LLP

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*Counsel to Deborah J. Piazza, as
Successor Chapter 7 Trustee of the
Bankruptcy Estate of Orly Genger.*

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by its Trustee Michael Oldner;
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Manhattan Safety Maine, Inc.*